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June 18, 2019

Board of Directors

Washington Metropolitan Area Transit Authority

600 Fifth Street, NW

Washington, D.C. 20001

Washington Metropolitan Area Transit Authority Board of Directors:

Please accept this letter on behalf of the Washington Suburban Transit Commission ("WSTC" or "Commission") requesting the release of a report on the findings from the recent investigation of Board Chair Evans conducted by the Washington Metropolitan Area Transit Authority's ("WMATA" or "Authority") Ethics Committee. It is the understanding of the Commission that not only has information on the investigation and its resultant findings been withheld from the public and the media, but also from the Authority's Board of Directors.

The WSTC is the State-chartered, bi-County agency that administers certain Washington suburban transportation programs. Its membership includes Maryland's Principal and Alternate Members of the WMATA Board, the Maryland Secretary of Transportation, and other members appointed by the County Executives of Montgomery and Prince George's Counties.

In recent years, the region's investment in WMATA's transit system has increased substantially, including last year's landmark legislative efforts to provide the Authority with \$500 million annually towards its capital improvement program. Incumbent with such contributions should be an equivalent level of transparency in both process and financial stewardship. When the actions of a Board member are sufficiently questionable enough to warrant the opening of a special ethics investigation, especially a Board member with such significant authority and influence as the Chair, then it is critical to the reputation of the Authority, its management, and its Board, to provide some level of explanation of the findings regardless of if violations were discovered. Failing to issue a statement beyond commenting that the investigation has been closed only stands to heighten levels of distrust and further promote suggestions that Board governance requires radical change.

Can the regional funding jurisdictions believe that the Authority is acting in good faith as the stewards of billions of dollars in public funds when they apparently don't trust enough in those who have been appointed to provide guidance and direction to their organization to share with them the results of a Board Committee-initiated investigation? What message does this send to the general public—those same citizens who utilize the system for their transportation needs—when there is an investigation of a high-profile Board member's ethics that is simply closed with no explanation and no written report?

The vacuum of information left in the wake of this investigation has led to comments from prominent government officials. As reported by the Washington Post (*"Jack Evans will not seek reelection as Metro board chairman as panel's ethics probe closes"*, R. McCartney, May 23, 2019), at a press event at which four United States senators announced their introduction of a bill in the Senate to reauthorize the Passenger Rail Investment and Improvement Act of 2018, which would provide WMATA with \$200 million annually in capital funding, Maryland Senator Ben Cardin (D) stated, "No one should be immune from accountability. I don't understand why they would close an ethics investigation if he's [Evans] staying on the Board." At the same event, Virginia Senator Tim Kaine offered that it is "probably a good idea" for the results of the investigation to be released. In a separate statement, Maryland Governor Larry Hogan called for Chair Evans to resign from the Board, tweeting, "That is the only way Maryland—and the entire region—can truly move forward."

As the recipient of significant public funding, WMATA must act under the same rules of transparency as the governments which fund it. That is the only way to ensure the public trust, and the trust of WMATA's fiduciaries. For this reason, we, the Commissioners of the Washington Suburban Transit Commission, request the Ethics Committee of the WMATA Board of Directors to release publicly a report on the ethics special investigation. Specifically, such a public report by the Board's Ethics Committee should, at minimum, state all the charges against Chair Evans that were investigated; summarize the findings and recommendations of the attorney/investigator retained by the Committee; and explain what was the basis for closing the investigation as "resolved."

We need to have a transparent resolution of this investigation, and one that the full Board, the funding jurisdictions, and the public-at-large can be proud of.

Sincerely,



Michael Goldman
Chair, WSTC



Thomas H. Graham
Vice Chair, WSTC



Hoan Dang
Secretary-Treasurer, WSTC



Kathryn Porter
Commissioner, WSTC

CC: Governor Larry Hogan, State of Maryland
Governor Ralph Northam, Commonwealth of Virginia
Mayor Muriel Bowser, District of Columbia
Chairman Phil Mendelson, Council of the District of Columbia